

Before the  
Federal Communications Commission  
Washington, D.C. 20554

Petition of the Verizon Telephone Companies for )  
Forbearance under 47 U.S.C. § 160(c) from Title ) WC Docket No. 04-440  
II and Computer Inquiry Rules with Respect to )  
Their Broadband Services )

ORDER

Adopted: December 19, 2005

Released: December 19, 2005

By the Chief, Wireline Competition Bureau:

1. In this Order, pursuant to section 10(c) of the Communications Act of 1934, as amended (the Act),<sup>1</sup> we extend by 90 days the date by which the petition requesting forbearance, filed by the Verizon telephone companies ("Verizon"), shall be deemed granted in the absence of a Commission decision that the petition fails to meet the standards for forbearance under section 10(a) of the Act.<sup>2</sup>

2. On December 20, 2004, Verizon filed a petition requesting that the Commission forbear from applying Title II of the Act and the *Computer Inquiry* requirements<sup>3</sup> for "all broadband services" that Verizon "does or may offer."<sup>4</sup> It also requests that the Commission forbear from applying these requirements for broadband services provided by other incumbent local telephone companies.<sup>5</sup> Section 10(c) of the Act states that a petition for forbearance shall be deemed granted if the Commission does not deny the petition for failure to meet the requirements for forbearance under subsection (a) within one year after the Commission receives it, unless the Commission extends the one-year period.<sup>6</sup> The Commission

<sup>1</sup> 47 U.S.C. § 160(c).

<sup>2</sup> 47 U.S.C. § 160(a).

<sup>3</sup> *Amendment of Section 64.702 of the Commission's Rules and Regulations (Computer II)*, 77 FCC 2d 384 (1980) (*Computer II Final Decision*), recon., 84 FCC 2d 50 (1980) (*Computer II Reconsideration Order*), further recon., 88 FCC 2d 512 (1981) (*Computer II Further Reconsideration Order*), *aff'd sub nom. Computer and Communications Industry Ass'n v. FCC*, 693 F.2d 198 (D.C. Cir. 1982) (*CCLIA v. FCC*), cert. denied, 461 U.S. 938 (1983) (collectively referred to as *Computer II*); *Amendment of Section 64.702 of the Commission's Rules and Regulations*, CC Docket No. 85-229, Phase I, 104 FCC 2d 958 (1986) (*Computer III Phase I Order*) (subsequent citations omitted).

<sup>4</sup> Petition of the Verizon Telephone Companies For Forbearance, WC Docket No. 04-440, at 2 (filed Dec. 20, 2004) (Petition). Verizon states that its petition requests the same relief as that requested in a forbearance petition for broadband services filed by BellSouth Telecommunications, Inc. on October 27, 2004. Petition at 1-23 (citing Petition of BellSouth Telecommunications, Inc. For Forbearance Under 47 U.S.C. § 160(c) From Application of *Computer Inquiry* and Title II Common-Carriage Requirements, WC Docket No. 04-405 (filed Oct. 27, 2004) (BellSouth Forbearance Petition)). BellSouth defined "broadband" as "technologies that are capable of providing 200 Kbps (kilobits per second) in both directions," and stated that these services "include high-speed Internet access provided using DSL technology." BellSouth Forbearance Petition at 1, n.2 (emphasis added). BellSouth subsequently withdrew its petition. Letter from Bennet L. Ross, General Counsel-D.C., BellSouth, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 04-405, at 1 (filed Oct. 26, 2005) (BellSouth Withdrawal Letter).

<sup>5</sup> Reply Comments of Verizon in Support of its Petition for Forbearance, WC Docket No. 04-440, at 1-2 (filed Mar. 10, 2005).

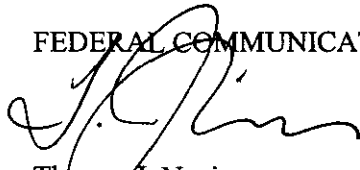
<sup>6</sup> 47 U.S.C. § 160(c).

may extend the initial one-year period by an additional 90 days if the Commission finds that an extension is necessary to meet the requirements of subsection 10(a).<sup>7</sup>

3. The petition under review raises significant questions regarding whether forbearance from application of Title II of the Act and *Computer Inquiry* requirements to all broadband services that Verizon may offer meets the statutory requirements set forth in section 10(a). The Bureau thus finds that a 90-day extension is warranted under section 10(c).

4. Accordingly, IT IS ORDERED that, pursuant to section 10 of the Communications Act of 1934, as amended, 47 U.S.C. § 160, and authority delegated under sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91 and 0.291,<sup>8</sup> the date on which the petition seeking forbearance filed by Verizon shall be deemed granted, in the absence of a Commission denial of the petition for failure to meet the statutory standards for forbearance, is extended to March 19, 2006.

FEDERAL COMMUNICATIONS COMMISSION



Thomas J. Navin  
Chief, Wireline Competition Bureau

<sup>7</sup> See, e.g., *Petition of Ameritech Corporation for Forbearance from Enforcement of Section 275(a) of the Communications Act of 1934, as amended*, CC Docket No. 98-65, 14 FCC Rcd 6415 (Com. Car. Bur. 1999).

<sup>8</sup> See 47 U.S.C. § 155(c).